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26 May 1992

ORIGINAL: ENGLISH

AD HOC COMMITTEE ON THE INDIAN OCEAN

SUMMARY RECORD OF THE 417th MEETING

Held at Headquarters, New York,
on Wednesday, 20 May 1992, at 3 p.m.

Chairman: Mr. KALPAGE (Sri Lanka)

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Implementation of General Assembly resolution 46/49 (continued)

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The meeting was called to order at 3.40 p.m.

IMPLEMENTATION OF GENERAL ASSEMBLY RESOLUTION 46/49 (continued)

1. The CHAIRMAN, summarizing the areas where it appeared that agreement had been reached in informal consultations, said that, while all delegations had expressed their support for the convening of the first stage of the United Nations Conference on the Indian Ocean at Colombo in 1993, they had also agreed that the participation and cooperation of the permanent members of the Security Council and the major maritime users of the Indian Ocean was essential for the success of the Conference. Since three permanent members of the Security Council and some major maritime users had indicated that they would not be able to participate in the Conference based on the 1971 Declaration of the Indian Ocean as a Zone of Peace, which in their view had been overtaken by the positive developments in international political relations, the members of the Committee had considered that the Conference could not be held in 1993 in accordance with resolution 46/49.

2. Secondly, the members of the Committee had agreed that work on the establishment of a zone of peace in the Indian Ocean should continue and that a new approach to the achievement of that goal was necessary. They had further agreed that that new approach should be defined in consultation with the permanent members of the Security Council and the major maritime users of the Indian Ocean and had accordingly agreed to invite those delegations to participate in the work towards the achievement of the goal of a zone of peace in the Indian Ocean. The members of the Committee had felt that the Chairman should continue to conduct consultations with the permanent members of the Security Council and the major maritime users of the Indian Ocean and should report back to the Committee on their positions with regard to the new approach.

3. Thirdly, the members of the Committee had been of the view that a formal meeting of the Committee should be held during the forty-seventh session of the General Assembly to consider any draft resolution the Committee might wish to submit to the General Assembly.

4. Mr. JAIN (India) said that he would have some alternative wording to propose when the Committee came to establish the final wording of its conclusions, and he wondered whether a drafting committee should be set up for that purpose. He also requested the views of the Secretariat on the feasibility of the Committee holding a formal meeting during the forty-seventh session of the General Assembly.

5. Mr. KHERADI (Senior Adviser) said that there had been occasions in the past when the Ad Hoc Committee had found itself short of time to complete its work and had requested facilities for further meetings. Whether such further meetings would be possible during the forty-seventh session of the General

Assembly was currently under examination by the Planning and Meetings Servicing Section, and he hoped to be able to give the Ad Hoc Committee a firm answer the following day.

6. Mr. JAIN (India) said that when the Committee came to decide on the final wording in its report of its conclusion that the work of the Committee should continue, it should state that that work should continue in accordance with the 1971 Declaration. If, however, it was agreed that a new approach was desirable, then his delegation would join that consensus and the Committee's report should state that the General Assembly might wish to consider a new approach.

7. The view had been expressed that an appeal should be addressed to the permanent members of the Security Council and the major maritime users of the Indian Ocean to participate once again in the work of the Committee. On the other hand, the contrary view had also been expressed, namely that those delegations which had left of their own accord should return of their own accord. Since paragraph 8 of resolution 46/49 called for the full and active participation in the Conference of the permanent members of the Security Council and the major maritime users of the Indian Ocean, he felt that it would be preferable to stress that paragraph rather than to make an appeal.

8. Mr. HASSAN (Sudan) agreed that the Chairman's summation reflected the content of the informal consultations. He felt, however, that one point should be clarified, namely the mandate under which the Committee might continue its work. He did not know, for instance, whether the existing mandate would be renewed or extended. It was regrettable that at the current meeting the Committee had to concern itself with questions relating to its own mandate, rather than with constructive work towards the establishment of a zone of peace in the Indian Ocean.

9. The Committee was at an impasse. It had to admit the reality that it was unable to make any progress without the cooperation of the permanent members of the Security Council and the major maritime users of the Indian Ocean. That was a negative consequence of the new world order. While he was well aware that the international situation was no longer the same as it had been in 1971, he felt that there was no guarantee that it would not change again. The essence of the 1971 Declaration remained valid, and should be given concrete form.

10. The Committee should prepare a report to the General Assembly, but it should not prepare a draft resolution for the General Assembly's consideration. Since he did not see how the Ad Hoc Committee could continue its work without referring to the 1971 Declaration and without the participation of the permanent members of the Security Council and the major maritime users of the Indian Ocean, he felt that the General Assembly should decide whether the Ad Hoc Committee was to continue at all.

11. Mr. JAIN (India) said that his delegation continued to believe that the General Assembly and the Ad Hoc Committee should endeavour to implement the 1971 Declaration. However, since some of the permanent members of the Security Council and the major maritime users of the Indian Ocean had indicated that they would not take part in the Conference because they believed that the Declaration was no longer relevant, many members of the Committee had expressed the view that a new approach should be found. In a spirit of constructive compromise, his delegation was prepared to support that view. However, the mandate of the Ad Hoc Committee did not permit it to decide whether or not a new approach was necessary; that decision should be left to the General Assembly.

12. Mr. AMBEYI-LIGABO (Kenya) said that the new approach should appeal to the delegations that had withdrawn from the Ad Hoc Committee. The main principles of the 1971 Declaration were no longer relevant, and the Ad Hoc Committee should come up with new principles that reflected the sweeping global changes that had taken place.

13. Mr. MFULA (Zambia) said that his delegation believed that the Ad Hoc Committee's mandate allowed it to make recommendations to the First Committee and the General Assembly on the future work of the Committee.

14. Mr. CURE (Mauritius) said that whatever the Ad Hoc Committee decided to include in its report was bound to have an effect on the future of the Committee. Therefore, the Ad Hoc Committee as a whole should take part in the drafting of the report. If difficulties arose on some points, a small group could be established to deal with them.

15. Mr. MAHMOOD (Pakistan) said that the Ad Hoc Committee should appeal to the delegations that had left the Committee to return. With respect to the future work of the Ad Hoc Committee, it was within the Committee's mandate to recommend to the General Assembly that it renew the Committee's mandate.

16. Mr. JAIN (India) agreed with the representatives of Kenya and Zambia that it was within the Ad Hoc Committee's mandate to make any recommendations on which there was a consensus in the Committee.

17. Mr. GOONETILLEKE (Sri Lanka) said that, in the past, the Ad Hoc Committee had succeeded in convincing delegations that had left the Committee to return. The Committee should therefore consider making an appeal to such delegations to participate in its work.

18. There was broad agreement that the Ad Hoc Committee should not repudiate the 1971 Declaration. Although the cold war had ended, there were still threats to the security of the littoral and hinterland States, and there was still a need to establish the Indian Ocean as a zone of peace.

19. Mr. ZIMBA (Mozambique) said that the central issue was the non-participation in the Committee's work of some of the major maritime users of the Indian Ocean and the permanent members of the Security Council. The Committee should be flexible in seeking ways to bring them back, and his delegation was open to any recommendations. It supported making an appeal to former members, as well as an expansion of the Committee's mandate.

20. It seemed doubtful that the Committee could complete consideration of its report to the General Assembly in the time remaining. He was therefore in favour of requesting an additional meeting later in the year.

21. Mr. MUTHANA (Yemen) said that his delegation supported the Chairman's summation. It was in the interests of the Committee to implement the 1971 Declaration. That could be achieved through recognition that the world situation had changed and that all interested parties must participate. His delegation would support an appeal by the General Assembly to former Committee members.

22. Mr. SHA Zukang (China) said that he was in full agreement with the Chairman's summation. His delegation believed that recommendations should be included in the report. Although their content could be discussed further, he suggested two possibilities: first, an appeal should be made to those permanent members of the Security Council and major maritime users which were not participating in the deliberations to rejoin the efforts to establish a zone of peace in the Indian Ocean; and second, since the former members of the Committee held a different opinion on the 1971 Declaration from that held by current members, the views of participating member States should be stated clearly. The changes in the world situation which had occurred since 1971, in particular in recent years, should also be mentioned. The representative of the Russian Federation had spoken of a balance of interests, but that was just part of the issue; there was also a balance of responsibility between States in the region and States outside the region with regard to the establishment of a zone of peace.

23. Mr. NAIMI-ARFA (Islamic Republic of Iran) said that he saw no major obstacle to the completion of the Committee's report before the end of the current session and that the Committee should not avoid that important task.

24. Mr. MAHMOOD (Pakistan) endorsed the suggestions of the representative of China regarding the recommendations to be included in the report. When discussing the balance of interests, attention should be drawn to the 1979 Meeting of the Littoral and Hinterland States of the Indian Ocean because at that Meeting the obligations of States within the region had been established and the limits of the zone of peace had been defined.

25. Mr. NEUHAUS (Australia) said that his delegation supported the suggestions made by the representative of China. There was already a sense of encouragement among former members about the movement within the Committee, which would bear fruit by the next session of the General Assembly.

26. Mr. AL-BATTASHI (Oman) said that his Government had supported the establishment of a zone of peace, and still supported the 1971 Declaration as a valid document to be considered when decisions were taken. Developments in the world must also be considered, however, to provide a balanced view of the interests of all. If a consensus emerged that the Chairman should make an appeal to former members, his delegation was prepared to join it. At the same time, it believed that any change in the Committee's mandate should be discussed with the Movement of Non-Aligned Countries, which had participated in the definition of its original mandate.

27. The CHAIRMAN said that the sense of the Committee seemed to be that a number of elements for the report already existed. He would submit further suggestions in writing for its review.

28. Mr. JAIN (India) suggested that the report should follow the standard format employed in previous years.

The meeting rose at 5.50 p.m.

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AD HOC COMMITTEE ON THE INDIAN OCEAN

SUMMARY RECORD OF THE 418th MEETING

Held at Headquarters, New York,
on Thursday, 21 May 1992, at 10 a.m.

Chairman: Mr. KALPAGE (Sri Lanka)

CONTENTS

Report of the Ad Hoc Committee to the General Assembly at its forty-seventh session

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The meeting was called to order at 11.05 a.m.

REPORT OF THE AD HOC COMMITTEE TO THE GENERAL ASSEMBLY AT ITS FORTY-SEVENTH SESSION (A/AC.159/L.117)

1. The CHAIRMAN said that the Committee would consider agenda item 5 entitled "Report of the Ad Hoc Committee to the General Assembly at its forty-seventh session" and drew attention to the format of the draft report (A/AC.159/L.117) and the elements for inclusion in the draft conclusion and recommendations in part III of the report. He pointed out that those elements had been formulated only on a provisional basis and suggested that the members of the Committee should express their views on them.

2. Mr. JAIN (India) said that the consideration of the report should focus on the areas where the members of the Committee had achieved a complete consensus, although the process of reaching that consensus had frequently met with considerable difficulty.

3. India was committed to the implementation of the 1971 Declaration of the Indian Ocean as a Zone of Peace. Precisely the Declaration and General Assembly resolution 2832 (XXVI) of 16 December 1971 served as the basis for the work of the Committee, while the specific mandate for its work was contained in General Assembly resolution 46/49 of 9 December 1991. Under that resolution a zone of peace was to be established in the Indian Ocean on the basis of the 1971 Declaration and also with account taken of the specific conditions and requirements which the General Assembly and all the members of the Committee considered essential and which to date had not been met. Accordingly, the Committee could conclude that the Conference could not be held in 1993.

4. The mandate of the Committee did not provide for the making of recommendations that went beyond the terms of General Assembly resolution 46/49 of 9 December 1991. The Committee should take concrete steps to work out a new approach. All such steps should be taken on the basis of extensive consultations with all the countries that should participate in that process.

5. Many had pointed out that the 1971 Declaration was an unrealistic document since it did not reflect the real situation existing at the time of its adoption. At the current time, when the international situation had improved, many were saying that the Declaration did not take account of present-day realities. His delegation considered that, in spite of the different situation, the essence of the principles proclaimed in the Declaration had remained unchanged.

6. In April 1991, the coordinator of the Group of Non-Aligned States members of the Ad Hoc Committee had made a statement (A/AC.159/L.108) reiterating the continued validity of the Declaration of the Indian Ocean as a Zone of Peace. The non-aligned States had expressed the hope that the members of the

(Mr. Jain, India)

Committee that had decided not to participate in its work or had decided to withdraw from the Committee would return, thus enabling the Committee to work meaningfully and finally fulfil its mandate.

7. Many of the elements in the draft report submitted by the Chairman reflected the general views of the Group, which was participating in the Committee's work. However, it could not be considered that consensus had been reached on all the elements and in 1984 the Committee had decided to resolve questions relating to the Indian Ocean by consensus. Before undertaking the work of drawing up conclusions and recommendations, the members of the Committee should determine whether it was advisable to seek to reach consensus. Since the Committee was faced with the task of implementing the Declaration, the General Assembly could be asked about possible alternative approaches to solving that problem. Exceeding those bounds would be acting to the detriment of common interests and goals.

8. The CHAIRMAN reminded the members of the Committee that it was necessary in the remaining time to prepare the draft report to the General Assembly and that account should be taken of the fact that the draft text submitted by him consisted only of elements which might be included in the conclusions and recommendations. The purpose of the guidelines adopted in 1984 for resolving questions on the basis of consensus was not to impede, but rather to facilitate, efforts to carry out the tasks entrusted to the Committee.

9. Mr. BUTLER (Australia) said that the elements submitted by the Chairman constituted a good basis for the report and that he agreed with the representative of India that the Committee should report to the General Assembly on questions on which consensus had been reached and that the General Assembly should decide on further steps. At the same time, during the discussions in the Committee practical proposals had been heard with regard to such further steps. The draft report should be made more precise and completed by formulating specific recommendations to the General Assembly on the implementation of the Declaration.

10. Mr. GOONETILLEKE (Sri Lanka), referring to the statement by the coordinator of the Group of Non-Aligned States members of the Ad Hoc Committee, which the representative of India had mentioned, said that no one was casting doubt on the continued validity of the Declaration. That was evident from the very title of General Assembly resolution 46/49, "Implementation of the Declaration of the Indian Ocean as a Zone of Peace". The draft report submitted by the Chairman did not indicate any intention to repudiate the Declaration.

11. There was clear understanding in the Ad Hoc Committee of the changes that had taken place in international relations and it was essential to take those changes into consideration. In its resolution 2832 (XXVI) of 16 December 1971, the General Assembly had called upon the littoral and hinterland States of the Indian Ocean, the permanent members of the Security

(Mr. Goonetilleke, Sri Lanka)

Council and other major maritime users of the Indian Ocean to enter into consultations with a view to the implementation of the Declaration and, in its resolution 2992 (XXXVII) of 15 December 1972, had set the Ad Hoc Committee the task of studying the implications of the proposal made in the Declaration. One of the goals pursued during the current session of the General Assembly had been to set up appropriate machinery for the conclusion of an international agreement on the Indian Ocean as a zone of peace. The Committee's task consisted not only in complying with the resolution but also in discussing and drafting such an international agreement at the appropriate stage of the Conference. In that context, it should be noted that the international climate had changed and that the Ad Hoc Committee required specific indications with regard to its future work. The report must shed light on the current situation and stress the need to continue working for the implementation of the Declaration of the Indian Ocean as a Zone of Peace.

12. Mr. AMBEYI-LIGABO (Kenya) said that, despite the end of the cold war, Kenya was currently more concerned than ever before by issues of peace and stability in the Indian Ocean region. It was still early to talk about peaceful developments in that area. The development of international relations was an extremely complex process, which had to be approached with an understanding of the realities and processes under way in the world. If the idea of declaring the Indian Ocean as a zone of peace was to become a reality, a study must be made of the different ways and means of approaching that task. For that reason it was advisable to make some changes to the text of General Assembly resolution 46/49, as had been suggested by the Committee.

13. At that stage the Committee was required to prepare a report containing a recommendation on its future work. His delegation could not agree with the comment that the elements proposed by the Chairman did not reflect the issues which had been discussed and agreed upon in principle during the informal consultations and formal meetings. The Committee members had to move forward in their work and not raise issues at the last moment which bore no relevance to the essence of the matter. For that reason, Kenya shared the view of the representatives of Australia and Sri Lanka that the Committee's work should be carried out in the context of the elements proposed by the Chairman and that the Committee members were prepared to include new elements in the proposed text which would be conducive to a consensus. It appeared that some members were still unable to accept the elements that had been discussed, but to ensure that the general interests of Committee members ultimately prevailed they should be prepared to consider the new suggestions and to make compromises, in order to prepare a report which reflected the position of the majority.

14. Mr. HASAN (Sudan) said that his delegation did not share the opinion expressed by the representative of India, to the effect that the Committee could not make recommendations to the General Assembly concerning the new approach which should be followed and that the decision on that issue could only be taken by the Assembly itself. The Sudan believed that the Committee

(Mr. Hasan, Sudan)

could make such a recommendation. Of course, that would take place only after consultations had been held with the permanent members of the Security Council and the major maritime users. Furthermore, the Sudan was of the view that the proposed elements clearly reflected the consensus reached by the Committee and it called upon all Committee members to refrain from discussing statements made by representatives of the States concerned and to make specific comments on the proposed text in order that the time available for the Committee's work would be productively used.

15. Mr. MAHMOOD (Pakistan) noted that, during the informal and formal meetings, repeated mention had been made of the Meeting of the Littoral and Hinterland States of the Indian Ocean, held in 1979. His delegation had proposed including a reference to that meeting in the report. No objections had been raised to that proposal but it had not been reflected in the text before the Committee. His delegation therefore requested that an appropriate reference should be included in the text.

16. Mr. GOONETILLEKE (Sri Lanka) suggested that the Committee should take up the first part of the report submitted for its consideration, in order to make productive use of the time available for a discussion of its second and third parts, which contained conclusions and recommendations.

17. The CHAIRMAN said that the Committee's current discussion concerned the third part of the report, which would be based upon the elements he had proposed. That discussion was being held with a view to elucidating the common viewpoint of delegations on the elements in question. Once the general debate on that issue had been concluded, it would be possible to proceed to a consideration of the first and second parts of the report, and then to discuss those parts in detail.

18. Mr. CURE (Mauritius) pointed out that, for the first time in its existence, the Committee had realized that it was unable to perform its mandate under the provisions of the Declaration. The Committee members were currently considering new ways of overcoming that impasse. Since the Conference could not be held without the active participation of the main maritime users and certain permanent members of the Security Council, the problem could be solved only if those permanent members accepted the new method and reviewed their decision not to participate in the Conference or decided to participate at a later stage, should they consider that the Committee had begun to move in a new direction. Judging from the results of the consultations that had been held, the first scenario appeared improbable, leaving the second scenario. If the Committee drew the wrong conclusions from the situation which had arisen, it would cease to exist.

19. Mr. SHOUKRY (Egypt), supported by Mr. JAIN (India), Mr. MFULA (Zambia) and Mr. CURE (Mauritius), suggested on a matter of procedure that the meeting should be closed so that members could enter into informal consultations.

The meeting rose at 12.25 p.m.